

**9. FULL APPLICATION - CHANGE OF USE OF ANCILLARY ACCOMMODATION TO A SEPARATE HOLIDAY LET AT ROCK VIEW COTTAGE, EAST BANK, WINSTER, (NP/DDD/0317/0251, 424044/360366, P5817 + P1225, 10/04/2017/ALN)**

**APPLICANT: MR CHRIS HIGGS AND MRS SUE HARRISON**

**Site and Surroundings**

Rock View Cottage is a domestic property located on the south-western edge of Winster village. To the north and east of the property are other residential dwellings and to the south and west is a roughly triangular shaped piece of 'common land' which sits between East Bank and West Bank. The property is within the Winster Conservation Area.

The house itself is detached and has a private garden adjacent to it. In addition, there is a detached piece of land just to the south of the house that is also used as domestic curtilage in association with the Rock View Cottage and which contains a further formal garden, a parking area and a large garage.

To the north of the house, and separated from it by a public footpath is the building which is subject to the current application. The building was converted to ancillary living accommodation following planning permission in 2004 (NP/DDD/0804/0908). A condition attached to the planning permission requires the accommodation to be ancillary to the main house and not occupied as an independent dwelling (condition no. 12). The building in question is single storey and constructed in natural materials. It currently houses an office (used by the occupier of Rock View Cottage), a kitchenette, and a shower room. There is small storeroom within the roofspace above the shower room. The building has an overall floor area of approximately 35 sqm. The building is referred to within the application as 'The Lodge'.

Vehicular access to Rock View Cottage and the ancillary building are currently gained across the common land from the public highway (East Bank) to the south. Whilst the applicant does not own this land, it is understood that there is a right of access over it.

**Proposal**

Planning permission is sought for change of use of the building to a separate holiday let, to be used independently from Rock View Cottage. There would be no external changes to the building. The submitted Design and Access Statement explains that the applicants wish to sell Rock View Cottage but wish to retain the Lodge for their own use as either an office or as a holiday let (the proposed B1 office has been submitted as a separate application and is dealt with under a different agenda item).

The submitted plans show that within the detached area occupied by the garage, parking space and garden, four parking spaces would be provided. Two would be retained for use by the occupiers of Rock View cottage and two would be provided for use by The Lodge.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. 3 year time limit**
- 2. Adopt submitted plans**

3. **The premises the subject of the application shall not be taken into use until the proposed car parking has been laid out to provide 2 spaces for Rock View Cottage and 2 spaces for the proposed premises with vehicular access secured from East Bank. Once provided the parking spaces shall remain available for use throughout the life of the development with no impediment to their designated use.**
4. **The premises shall be used as an office and for no other purposes (including any other purpose in Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any order revoking and re-enacting that order.)**
5. **Plan to be submitted to and agreed in writing by the National Park to show a dedicated bin dwell area for the approved holiday let.**

### **Key Issues**

1. Whether a safe and suitable access and adequate parking space can be provided to meet the needs of the development.

### **History**

July 2016 – application for change of use of ancillary accommodation (to Rock View Cottage) to a separate B1 office use withdrawn.

July 2016 – application for change of use from ancillary accommodation (The Lodge) to a separate holiday let withdrawn.

December 2005 – permission granted for conversion of former cowshed to ancillary accommodation.

October 2004 – permission granted for replacement porch and dining room extension (to Rock Cottage).

July 1998 – permission refused for single storey extension off front elevation of Rock View Cottage.

January 1998 – permission refused for two storey extension off front elevation of Rock View Cottage.

1987 – permission granted for alterations to roof structure at Rock View Cottage.

1983 – permission granted for two storey side extension to Rock View Cottage.

### **Consultations**

Highway Authority - The proposals were the subject of a recent application where the Highway Authority raised concerns regarding vehicular access and parking. The current proposals now include a link from East Bank (via the Common Land) to an area designated for car parking, for both the existing dwelling and the proposed unit, which addresses the original concerns. Recommend approval subject to parking spaces being provided and retained.

District Council – no response

Parish Council – recommend refusal for the following reasons:

- With a B1 use it would be reasonable to expect there to be a need for a minimum of two vehicle parking spaces, access for delivery and waste collection vehicles requiring access to service the premises. The applicant has failed to demonstrate provision for adequate safe parking and manoeuvring space within the property under their ownership. This may, and already has, lead to driving, turning or parking taking place on common land, which the Parish Council endeavours to resist.
- It is doubtful whether the parking allocation shown on the submitted plan can be achieved.
- The removal of the ancillary nature of the property would immediately nullify the parking proposal as the properties would be split, yet the parking would not. It is not possible to split the parking as there is only one entrance way from the common land. It is doubtful that the planning authority could/would enforce a split to parcels of land via land registry even if there were suitable access.
- Concerns about environmental impact of additional vehicles on the common land.
- Applicant currently advocates parking on the common land for their holiday cottage (Rock Cottage) so it is unlikely that parking issues would be enforced by the owners.
- It is acknowledged that there may be a vehicular right of way across the common land to Rock View Cottage but the Parish Council has no record of a legal vehicular right of way to The Lodge over the common land.

### **Representations**

One letter of objection has been received from a local resident, raising the following points:

- The applicants own and let a holiday cottage (Rock Cottage) just below their house (Rock View Cottage) and this property has no off street parking. Therefore parking for the two (and now potentially three) properties will need to be on the land with the garage.
- Concerns about how parking would be controlled if properties were sold separately.
- Concerns about lack of bin refuge area

### **Main Policies**

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, RT2, HC1

Relevant Local Plan policies: LC4, LT18

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

## **Assessment**

Firstly, Core Strategy policy HC1 makes it clear that provision will not be made in the National Park for housing solely to meet open market demand. Exceptionally HC1 CI does permit housing where it is required in order to achieve the conservation and/or enhancement of a valued vernacular building. Whilst The Lodge is considered to be a valued vernacular building, in this case the enhancement has already taken place when it was converted to ancillary living accommodation and therefore the impetus of open market housing is not required in order to secure its conservation. As a result an open market dwelling would be contrary to policy in this case and so a condition to restrict occupancy to holiday accommodation is considered to be reasonable and necessary and would ensure that the development contributes to National Park purposes by providing opportunities for the understanding and enjoyment of the area.

Core Strategy policy RT2 supports proposals for the change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation except where it would create an unacceptable landscape impact in open countryside.

The small, former cowshed building is constructed in local natural materials, and the manner in which its walls sit hard up against the footpath from the common down into the village contributes to the character of the Conservation Area. The building is therefore considered to be a traditional building of merit and it has been sensitively converted and extended to create ancillary living accommodation. Consequently in principle its use as a separate unit of holiday accommodation would accord with the requirements of RT2.

The main issue raised by the current proposals, and a concern that has been raised by the Parish Council and the objector is whether the proposals would be served with a safe and suitable access and whether it would lead to additional pressure for parking on the open 'common land' adjacent to the site.

### **Issue 1: Access and Parking**

Saved Local Plan policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development. This approach is supported by the National Planning Policy Framework which states at paragraph 27 that decisions should take account of whether safe and suitable access to the site can be achieved by all people. It further states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Saved Local Plan policy LT10 states that in new development parking must be of a very limited nature unless accompanied by on street waiting restrictions.

Also of relevance to the consideration of access and parking issues in this case are policies L3 and LC5 which relate to the impact of development on Conservation Areas. These policies seek to ensure that development conserves and where appropriate enhances or reveals the significance of archaeological, artistic or historic assets and their setting.

As background, when planning permission was granted to convert The Lodge into ancillary living accommodation in 2004 a condition was imposed that it remain ancillary to Rock View Cottage. The reason for the condition was because the creation of an independent dwelling in this location would be contrary to adopted policies at that time. At present there is sufficient parking space within the detached garden/garage area to serve the needs of Rock View Cottage and the ancillary accommodation. There is a double garage that could accommodate two cars and space in front of it to park at least one further car.

In 2016 two planning applications were submitted, one to convert the building to a B1 use and the second to convert it to a holiday let. Both applications were subsequently withdrawn following objections received from both the Highway Authority and the Parish Council. In those applications no off-street parking was proposed to serve the proposed development and the

result would have been that occupiers would probably park on the common land close to the site. It is clear that some local residents do currently park on the common land and this is a cause for concern by the Parish Council. Officers concurred that any development which resulted in additional parking in this area would cause harm to the valued character of the Conservation Area by the presence of additional parked cars, which would further detract from the open qualities of the area contrary to policies L3 and LC5.

Following the withdrawal of those applications further discussions have taken place with officers and the Highway Authority. The Parish Council were also invited to attend a site meeting but did not wish to participate.

The submitted plans with this revised application shows that the detached garden area would be re-configured to provide two parking spaces to serve Rock View Cottage and two parking spaces within the garage would be retained for use by The Lodge. The Highway Authority is now satisfied with the proposed parking arrangements and has raised no objections and officers are satisfied that the parking spaces can be subdivided between the two properties, should they be sold independently. A condition to require the parking spaces shown on the submitted plan to be provided and remain available for parking in connection with the Lodge is considered to be necessary and reasonable to prevent parking on the common land and such a condition would help to address the concerns raised in representations.

The objector has questioned the parking arrangements for an existing holiday cottage also owned by the applicants (Rock View). This is a separate planning unit to the current site and does not form part of the current application. Therefore its parking arrangements and possible impacts on the common land are not relevant to the consideration of this application.

In conclusion, the submitted plans demonstrate that adequate off street parking space can be provided and maintained to serve the needs of the currently proposed development and Rock View Cottage.

With regard to vehicular access to the site, the occupiers of Rock View Cottage currently gain access over the common land (via a roughly surfaced track) from the public highway. There is no other means of vehicular access to the site and it is understood that there is a right of access over this area. The application includes the access within the area edged red and the applicants have served the relevant notice (Certificate D - to be completed if the applicant does not own all of the land to which the application relates and does not know the names and addresses of any of the owners and/or agricultural tenants). Officers and the Highway Authority are satisfied that access over the common land to serve both properties would provide a safe and suitable means of access and would be unlikely to result in an increase in intensity of use of the track to a level that would cause harm to the valued character of the Conservation Area, in accordance with LT18, L3 and LC5. Any further dispute with regard to legal rights of access over the land is a civil matter.

### **Other Material Considerations**

#### **Impact on Residential Amenity**

Core Strategy policy GSP3 states that impact on living conditions of communities must be taken into account in decision making and saved Local Plan policy LC4 states that attention must be given to the amenity, privacy and security of the development and of nearby properties.

In this case, the principle windows on the building in question face north and due to the steeply sloping nature of the site there are limited opportunities for overlooking. As a result it is not considered that use of the building as a holiday let would cause any more significant impact on residential amenity than its current use as ancillary living accommodation.

## **Conclusion**

In conclusion, the proposals are for a holiday use within an existing building on the edge of the settlement. It has been adequately demonstrated that a safe and suitable access is available and that sufficient off street parking space to meet the needs of both properties can be provided and maintained. Subject to conditions to require the parking spaces to be laid out and maintained, the proposals accord with adopted policies and are recommended for approval.

## **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)

Nil